

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WILLIAM ALLEN VANDERSLICE,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting
Commissioner of Social Security
Administration,

Defendant.

CASE NO. 3:16-CV-05792-RSL-DWC

REPORT AND RECOMMENDATION
PLAINTIFF'S COMPLAINT BE
DISMISSED FOR FAILURE TO
PROSECUTE

Noting Date: March 24, 2017

The District Court has referred this action, filed pursuant to 42 U.S.C. § 405(g), to United States Magistrate Judge David W. Christel. Plaintiff William Allen Vanderslice, proceeding *pro se*, filed this action on September 16, 2016. Dkt. 1. On December 6, 2016, Defendant filed an Answer to the Complaint. Dkt. 10. The Court issued a Scheduling Order ordering Plaintiff to file an opening brief by January 3, 2017. Dkt. 11. The Court issued an Amended Scheduling order on

1 January 4, 2017, ordering Plaintiff to file an opening brief by February 2, 2017.¹ Dkt. 12.
 2 Plaintiff failed to file an opening brief by February 2, 2017. The Court then entered an Order to
 3 Show Cause on February 15, 2017, directing Plaintiff to file an opening brief by February 24,
 4 2017. Dkt. 13. The Court warned Plaintiff it would recommend dismissal of his case for failure
 5 to prosecute if Plaintiff failed to file an opening brief by February 24, 2017.

6 Plaintiff has not filed an opening brief or otherwise responded to the Court's February 15,
 7 2017 Order. As Plaintiff has failed to file an opening brief and prosecute this case, the
 8 undersigned recommends the Court dismiss this case without prejudice.

9 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil
 10 Procedure, the parties shall have fourteen (14) days from service of this Report to file written
 11 objections. See also Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those
 12 objections for purposes of appeal. *Thomas v Arn*, 474 U.S. 140 (1985). Accommodating the time
 13 limit imposed by Rule 72(b), the Clerk is directed to set the matter for consideration on March
 14 24, 2017, as noted in the caption.

15 Dated this 3rd day of March, 2017.

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17 David W. Christel
 18 United States Magistrate Judge
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 23 ¹ The Court issued its Amended Scheduling Order due to the fact the original Scheduling
 24 Order was inadvertently not mailed to Plaintiff. The Amended Scheduling Order, however, was
 mailed to Plaintiff's address of record.